IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4602 of 1999
with
CIVIL APPLICATION No 7336 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHANTILAL JAMNADAS TEXTILES PVT. LTD.

Versus

GUJARAT INDUSTRIAL DEVELOPMENTCORPORATION

Appearance:
1. Special Civil Application No. 4602 of 1999
MR PR NANAVATI for Petitioner No. 1
MR UDAY R BHATT for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/08/2001

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner has challenged the eviction notice dated 19.6.1999 (Annexure "A") issued by the Gujarat Industrial Development Corporation through its Competent Officer & Regional Manager at Vapi on the ground that the petitioner had failed to pay the

instalments as per the agreement between the parties. The outstanding amount demanded from the petitioner as per the impugned notice was Rs.3,68,000/-. The petitioner has also challenged the calculation of the said amount. The petitioner has also contended that in view of various attendant considerations narrated in the petition for which the petitioner was not responsible, the petitioner has not been able to pay the outstanding the dues. It is also contended that the petitioner has paid the respondents more than Rs.7,00,000/-, but by charging penal interest and by not properly computing the dues, the respondents are demanding the amount much higher than what the petitioner is liable to pay the respondents.

2. Mr UR Bhatt, learned counsel appears for the respondents and submits that if the petitioner has any grievance, the petitioner ought to have pointed out all such grievances before the respondent authorities and those orders are not required to be examined in a petition under Article 226 of the Constitution.

3. It further appears that on 6.7.1999 this Court had passed on order requiring the petitioner to deposit a sum of Rs.1,84,000/- with the respondents and the ad-interim relief was granted against eviction on that condition. Subsequently, the petitioner filed Civil Application No. 7336 of 1999 on 22.7.1999 requesting for modification of the order for deposit of the amount. No orders are passed on the said application so far.

4. Having heard the learned counsel for the parties, it appears to the Court that looking to the difficulties being pointed out on behalf of the petitioner, this appears to a pre-eminently fit case for directing the petitioner to make a representation to the respondent-GIDC wherein the petitioner may point out all the relevant facts and circumstances and the reasons for the petitioner having failed to pay the dues of the respondent Corporation. It will also be open to the petitioner to demand a copy of the statement of account with the break-up of all the relevant details so that the petitioner can also point out the inaccuracy, if any, or any mistake in computation of the amount and interest. It will also be open to the petitioner to request the respondent authorities not to charge any penal interest.

5. If the petitioner makes such a representation to the respondents, within one month from today, alongwith the Demand Draft/Pay Order for a sum of Rs.1,00,000/-, the respondent authorities shall consider the

petitioner's representation in accordance with law and sympathetically and also the petitioner's request for reschedulement of instalments.

6. The petition is disposed of in terms of the aforesaid directions. Rule is discharged with no order as to costs.

7. The Civil Application is also granted in terms of the aforesaid directions.

(M.S. Shah, J.)
sundar/-